



Your Worldwide Logistics Provider

10 + 2 – Carrier and Importer Security Filing

SECURITY FILING:

On January 2, 2008 U.S. Customs and Border Protection published its Notice of Proposed Rule Making (NPRM) regarding 10 + 2 in the Federal Register. This program fulfills the mandate of U.S. Congress in the SAFE Port Act to obtain more data elements prior to the arrival of shipments. The Importer Security Filing (ISF) and the Carrier Security Filing will drastically change the data flow for all shipments, as it is required to be filed with CBP 24 hours prior to loading. These data elements consist of two from the carrier and ten from the importer (or his agent).

CARRIER ELEMENTS:

The *two* Carrier Security Filing elements are:

Vessel stow plans – Stow plans advise where a particular shipment is located on the vessel. This must be received no later than 48 hours after departure from the last foreign port. However, if the length of the voyage is less than 48 hours, the stow plan must be received prior to arrival at the first U.S. port of call.

Container status messages (CSM) – CSMs are nothing more than messages/e-mails telling the steamship operator about the status and location of a given container.

IMPORTER ELEMENTS:

The ten (10) data elements importers are expected to transmit have not changed from the original “strawman” proposal published last year. Of importance in the notification is the fact that the ISF information must be transmitted at the product or line level. This includes the identification of all manufacturers, tariff numbers, and country of origins. The NPRM does state that all importers must obtain the information relying on due diligence. If any information changes during the routing, and the shipment has not yet arrived, you must update your Importer Security Filing. *The elements are as follows:*

Manufacturer (or supplier) name and address — the name and address to report are of the entity that last manufactures, assembles, produces, or grows the commodity; if that is not known and cannot be determined through due diligence, or may not apply, then report the name and address of the supplier of the finished goods in the country from which the goods are leaving.

Seller name and address — of the last known entity by whom the goods are sold or agreed to be sold; if no sale, then the name and address of the owner is to be reported.

Buyer name and address — the last known entity to whom the goods are sold or agreed to be sold; again if there is no sale, report the owner of the goods.

Ship to name and address — report the first deliver-to party scheduled to physically receive the goods after release from Customs’ custody.

Container stuffing location — name and address of the physical location(s) where the goods were stuffed; for break bulk goods it is the physical location(s) where the goods were made shipment ready.

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Consolidator (stuffer) name and address — of the party who stuffed the container or arranged for its stuffing; for break bulk goods, it is again the shipment ready party.

Importer IRS number — including the Foreign Trade Zone applicant ID number; Consignee IRS number;

Country of origin — to include the country of manufacture, production, or growth, based upon the import laws, rules and regulations of the U.S.; and

Commodity HTS number — required to the 6 digit level, but allowed to be reported to the 10 digit level.

WHO WILL FILE:

While the rule does allow for the importer or his appointed agent to transmit the ISF information, the filing must occur in current systems used by Customs brokers, freight forwarders, and carriers. The systems, the Automated Broker Interface (ABI) and the Automated Manifest System (AMS) will have to be altered to allow for the ISF filing. Any ISF filer must possess a basic U.S. Importation and Entry bond, a U.S. International Carriers bond, or a Foreign Trade Zone operator bond. The authorized agent must also obtain and possess a valid Power of Attorney from the importer to transmit the data.

PENALTIES:

If the vessel stow plan is not filed, the liquidated damages will be \$50,000 for each vessel arrival. Liquidated damages for the failure to provide CSMs is set at \$5,000 per violation, \$100,000 per vessel arrival. If you are the importer and fail to meet the ISF requirements, your fine will be the value of the imported merchandise.

HOW ARGENTS CAN HELP:

Argents Air Express, Ltd. / Argents Express Group is both a Customs Broker and a Non-Vessel Operating Common Carrier respectively. We are currently developing the ability to transmit the ISF, and the Carrier elements if needed, for our clients and agents overseas.

Planning for costs in an uncertain trade environment can be difficult. At Argents Express Group, we will be happy to discuss how these and other trade issues will affect your products and shipments. To discuss your concerns, please contact our Director of Compliance, Cindy Allen, via [E-mail](#) or Phone, 734-326-9499

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